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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HO, TUAN V

ART UNIT PAPER NUMBER

2615

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/536,022

Applicant(s)

OKUDA, TATSUO

Examiner

Tuan V Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10, 21 and 32 is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-20 and 22-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant's arguments, see the remarks, filed 10/21/04, with respect to the rejection(s) of claim(s) 1-36 under Akihiro have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ejima et al (US 2001/0012065) and Komatsuzaki et al (US 6,137,960).

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 37, 12, 13, 15, 38, 23, 24, 26, 39, 34, 40, 35, 41, 36 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Ejima et al.

With regard to claim 1, Ejima et al discloses in Figs. 1-3, an electronic digital camera that comprises the camera body (a camera body is shown in Fig. 2), optical system (control lens 3, [0044], display device (LCD 6 is positioned on the rear panel of

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the camera and at the top portion, [0044]), and first cover device (LCD cover 14, [0046]).

With regard to claim 2, Ejima et al discloses in Figs. 1-3, an electronic digital camera that comprises the first cover device including a cover member (LCD cover 14 comprises a cover panel that is slidably actuated between open and closed positions).

With regard to claim 4, Ejima et al discloses in Figs. 1-3, an electronic digital camera that comprises the first cover member is configured to actuate a power switch to the camera (arm member 14A of panel 14 is used to activate the camera power, Figs. 6a-6c, [0057]).

With regard to claim 37, Ejima et al discloses in Figs. 1-3, an electronic digital camera that comprises the cover member being generally planar (panel 14 of the cover is a planar surface).

Claims 12, 13, 15 and 38 recite what was discussed with respect to claims 1, 2, 4, 37.

Method claims 23, 24, 26 and 39 correspond to apparatus claims 1, 2, 4, 37 and are analyzed the same as discussed with respect to apparatus claims 1, 2, 4, 37.

Claims 34, 40, 35 and 41 recite what was discussed with respect to claims 1 and 37.

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Method claims 36 and 42 correspond to apparatus claim 1 and 37, and is analyzed the same as discussed with respect to apparatus claims 1 and 37.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ejima et al.

With regard to claim 3, Ejima et al disclose all the subject matter as discussed with respect to claim 1, except that the cover member is configured to be latched in the open and closed positions, and is configured to be spring biased. Official Notice is taken that a cover configured to be latched in the open and closed positions, and is configured to be spring biased so as the cover can be open and close automatically upon an activation applied on the cover.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LCD cover 14 of Ejima et al so as to obtain a cover being configured to be latched in the open and closed positions, and configured to be spring biased because the modification of the Ejima cover would allow a user automatically to open and close the cover upon a slight activation on the cover with the assistance of the latches and springs.

Claim 14 recites what was discussed with respect to claim 3.

Method claim 25 corresponds to apparatus claims 3 and is analyzed the same as discussed with respect to apparatus claim 3.

4. Claims 5, 6, 7, 8, 9, 11, 16-20, 22, 27-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ejima et al in view of Komatsuzaki et al.

With regard to claims 5, 6, 8 and 9, Ejima et al disclose all the subject matter as discussed with respect to claim 1, except that a second cover device is configured to cover the lens and slidably actuated between an open and closed positions.

Ejima et al does not explicitly disclose any cover device to cover shooting lens 3. However, Komatsuzaki et al teaches

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using box-like case 12; where the case 12 is slidable between open and closed position. When the case is in a closed position, the case also covers the taking lens 3 and the flash unit 5. As the result, it is convenient to a user that can close or open display 13 and lens 3 at the same time.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the LCD cover of Ejima et al as the same fashion as disclosed by Komatsuzaki et al so as to obtain a second cover that cover shooting lens 3.

With regard to claim 7, Ejima et al in view of Komatsuzaki et al discloses all the subject matter as discussed with respect to claim 5. Noticed that in the combination of the second cover device and LCD 14 utilize the same arm 14A that is configured to actuate a power switch to the digital camera. Therefore, when the second cover is moved from a closed position to an open position arm 14A also actuate the power switch to the LCD of electronic camera.

With regard to claim 11, Furthermore, Ejima et al discloses lens 3 is located in the upper edge of the camera body and the movement of the cover is in vertical direction. Noticed that in the combination of Ejima et al and Komatsuzaki et al the box-

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like cover would be slidable in a vertical direction so as to cover the LCD and the lens.

Claims 16, 17, 18, 19 and 20 recite what was discussed with respect to claims 5, 6, 7, 8 and 9.

Claim 22 recites what was discussed with respect to claim 11.

Method claims 27-31 correspond to apparatus claims 5-9 and are analyzed the same as discussed with respect to apparatus claims 5-9.

Method claim 33 corresponds to apparatus claims 11 and is analyzed the same as discussed with respect to apparatus claim 11.

5. Claims 10, 21, and 32 are allowed.

The prior art of record fails to suggest or disclose:

With regard to claim 10, a digital camera comprises a second cover device that is configured to cover the lens, wherein the lens is arranged at an upper edge of the front of the camera body and the second cover device includes a member to cover and uncover the lens by sliding in a horizontal direction at the upper edge of the front of the camera body.

With regard to claim 21, a digital camera comprises a wherein the lens is arranged at an upper edge of the front of

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the camera body and means for covering the lens includes a member to cover and uncover the lens by sliding in a horizontal direction at the upper edge of the front of the camera body.

With regard to claim 32, a method for protecting a digital camera, the digital camera including an optical system having a lens positioned on the front of the camera body, comprise the lens is arranged at an upper edge of the front of the camera body and the second cover device includes a member to cover and uncover the lens by sliding in a horizontal direction at the upper edge of the front of the camera body.

6. This Office action is not made Final since new grounds of rejection applied to the claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (703) 305-4943. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen, can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



TUAN HO

Primary Examiner

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